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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/524,374	02/15/2005	John M Evans	020362 064P2	8836

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WEGMAN, HESSLER & VANDERBURG
6055 ROCKSIDE WOODS BOULEVARD
SUITE 200
CLEVELAND, OH 44131

EXAMINER

LAWRENCE JR, FRANK M

ART UNIT	PAPER NUMBER
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1724

SHORTENED STATUTORY PERIOD OF RESPONSE	MAIL DATE	DELIVERY MODE
3 MONTHS	03/05/2007	PAPER

Please find below and/or attached an Office communication concerning this application or proceeding.

If NO period for reply is specified above, the maximum statutory period will apply and will expire 6 MONTHS from the mailing date of this communication.

Office Action Summary

Application No.

10/524,374

Applicant(s)

EVANS, JOHN M

Examiner

Frank M. Lawrence

Art Unit

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --
Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☐ Responsive to communication(s) filed on ____.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-20 is/are pending in the application.
- 4a) Of the above claim(s) ____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) ____ is/are allowed.
- 6) ☒ Claim(s) 1-20 is/are rejected.
- 7) ☐ Claim(s) ____ is/are objected to.
- 8) ☐ Claim(s) ____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☒ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 15 February 2005 is/are: a) ☒ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☒ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☒ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
 2. ☐ Certified copies of the priority documents have been received in Application No. ____.
 3. ☒ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|--|--|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413)
Paper No(s)/Mail Date. ____ |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | 5) <input type="checkbox"/> Notice of Informal Patent Application |
| 3) <input checked="" type="checkbox"/> Information Disclosure Statement(s) (PTO/SB/08)
Paper No(s)/Mail Date ____ | 6) <input type="checkbox"/> Other: ____ |

DETAILED ACTION

Specification

1. The disclosure is objected to because of the following informalities: The "s" at the end of claim 9 should be deleted.

Appropriate correction is required.

2. The use of the trademark Santoprene has been noted in this application. It should be capitalized wherever it appears and be accompanied by the generic terminology.

Although the use of trademarks is permissible in patent applications, the proprietary nature of the marks should be respected and every effort made to prevent their use in any manner which might adversely affect their validity as trademarks.

Claim Rejections - 35 USC § 112

3. The following is a quotation of the second paragraph of 35 U.S.C. 112:

The specification shall conclude with one or more claims particularly pointing out and distinctly claiming the subject matter which the applicant regards as his invention.

4. Claims 2, 9, 17 and 20 are rejected under 35 U.S.C. 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention. Each of claims 2, 9, 17 and 20 are indefinite because the application does not disclose what Santoprene is comprised of other than that it is a thermoplastic elastomer. Also, when used in the claims, a trademark must be accompanied by generic terminology, e.g., Teflon (polytetrafluorethylene).

Claim Rejections - 35 USC § 102

5. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

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A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

6. Claims 1, 3, 8, 10, 15, 16, 18 and 19 are rejected under 35 U.S.C. 102(b) as being anticipated by Donnelly et al. (5,718,743).

7. Donnelly et al. '743 teach a desiccant cup for use inside a refrigerant receiver housing (11), comprising spaced inner and outer walls (20, 19) defining a desiccant chamber, transverse end caps (22) and ribs (21) connecting the walls, center holes formed by a rim (29) in each cap for slidably receiving the inner wall, and a flexible, thermoplastic V-shaped seal (64) extending from the outer wall between the end caps and center holes to form a seal between the cup and the receiver housing. The seal includes a body (67) and a lip (65) extending outwardly from the outer wall (see figures 1-7, col. 2, line 50 to col. 3, line 14, col. 4, lines 43-57).

Claim Rejections - 35 USC § 103

8. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

9. Claims 2, 9, 17 and 20 are rejected under 35 U.S.C. 103(a) as being unpatentable over Donnelly et al. '743 in view of Pulek et al. (5,399,264).

10. Donnelly et al. '743 disclose all of the limitations of the claims except that the seal is Santoprene. Pulek et al. '264 disclose a seal for an air filter comprising a thermoplastic rubber such as Santoprene (col. 5, lines 43-56). It would have been obvious to one having ordinary skill in the art at the time of the invention to modify the device of Donnelly et al. '743 by using a

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Santoprene material for the seal in order to provide a material that is appropriate for operating temperatures and the type of fluid being treated.

11. Claims 4-7 and 11-14 are rejected under 35 U.S.C. 103(a) as being unpatentable over Donnelly et al. '743 in view of Perry, Jr. et al. (6,168,647).

12. Donnelly et al. '743 disclose all of the limitations of the claims except that the seal has detachably removable, stretch fit arrangement, has a body with opposing edges to form a v-shape with the lip, and that the outer wall includes a seal stop. Perry, Jr. et al. '647 disclose a seal arrangement for a gas filter, comprising a filter having an outer wall (89a), a seal stop (85) attached to the outer wall, and a removable, elastomeric v-shaped seal that is tension-fit into the seal stop (see figures 1-4, col. 1, lines 45-64, col. 6, line 16 to col. 8, line 5). The seal includes a body (107) having opposing longitudinal edges and an extending lip (113). It would have been obvious to one having ordinary skill in the art at the time of the invention to modify the seal of Donnelly et al. '743 by using the seal arrangement of Perry, Jr. et al. '647 in order to provide a gas filter that can be quickly and easily removed or replaced from a vessel, and to ensure that the filter is divided into inlet and outlet sides by preventing fluid flow between the filter and the vessel.

Conclusion

13. The prior art made of record and not relied upon is considered pertinent to applicant's disclosure. The additional references listed on the attached PTO-892 form disclose sealing arrangements for fluid treatment devices.

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Any inquiry concerning this communication or earlier communications from the examiner should be directed to Frank M. Lawrence whose telephone number is 571-272-1161.

The examiner can normally be reached on Mon-Thurs 7:30-6:00.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Duane Smith can be reached on 571-272-1166. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

Frank M. Lawrence
Primary Examiner
Art Unit 1724

Frank Lawrence
2-6-07

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